

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 14, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Thomas Van Dyke Case Number: 0980 2:15CR00025-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 28, 2015

Original Offense: Travel With Intent to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2423(b)

Original Sentence: Prison - 36 months Type of Supervision: Supervised Release
TSR - 120 months

Revocation Sentence: Prison - 3 months
(October 30, 2018) TSR - 120 months

Revocation Sentence: Prison - 6 months
(February 24, 2020) TSR - 120 months

Revocation Sentence: Prison - 8 months
(March 2, 2021) TSR - 113 months, 7 days

Revocation Sentence: Prison - 9 months
(September 13, 2022) TSR - 86 months

Asst. U.S. Attorney: David Herzog Date Supervision Commenced: May 31, 2023

Defense Attorney: Justin Lonergan Date Supervision Expires: July 30, 2030

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/10/2023, 08/21/2023 and 09/07/2023.

On June 1, 2023, Mr. Van Dyke's conditions of supervision were reviewed by the probation officer and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
12	Special Condition # 17: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Prob12C

Re: Van Dyke, Michael Thomas

September 13, 2023

Page 2

Supporting Evidence: The offender is alleged to have violated special condition number 17, by ingesting a controlled substance, marijuana, on or about September 7, 2023.

On September 7, 2023, Mr. Van Dyke submitted a urine specimen at the U.S. Probation Office that returned presumptive positive for marijuana. At that time, he informed the probation officer that his last use of marijuana was on or about August 3, 2023. The urine specimen was thereafter sent to the national laboratory for confirmation testing.

On September 13, 2023, the above-referenced drug test was confirmed positive for marijuana. The national laboratory advised the undersigned that based on the marijuana levels in the urine sample collected on September 7, 2023, it appears that Mr. Van Dyke reused marijuana since August 3, 2023.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: September 13, 2023

s/Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/14/2023

Date